

1887- 013 Chancery Causes: John Fitzpatrick + wife vs. Elbert O. Debussk
Lee Co.

CA-Contract Dispute
T-Property

-Deed

To the honorable H. S. K. Morrison Judge of the
circuit court of Lee County Virginia: ^{& oratrix}

Humily complaining, your orator John Fitzpatrick and Maggie Fitzpatrick his wife would respectfully shew unto your honor that your oratrix was, on the 6th day of January 1885, ~~was~~ seized in fee simple of an estate in and to a certain tract or parcel of land lying and being in said County in the Crab Orchard, and a part of a certain tract of land sold and conveyed to her by her father John E Delusk, containing fifty acres, and adjoining the lands of Alfred Witt and Wm Witt; and your oratrix being so seized and possessed and being desirous to sell the same did contract with one Ellert O Delusk, on the said 6th day of January 1885, for the sale of the said fifty acres of land to him; at which time the said Ellert O Delusk did agree and purchase the said land of your oratrix, at the price of \$200⁰⁰, and thereupon the said Ellert O Delusk executed to your Oratrix his three several notes for said sum, in the aggregate, of \$200⁰⁰, which said notes are herewith filed as part hereof marked "A", "B", & "C." and your oratrix then & there executed to said Ellert O Delusk a title bond by which she bound herself to make to him a good and sufficient title to said land when the purchase money was fully paid, and delivered to him said bond.

Now your orator & Oratrix will further show unto
your honor that two of said notes, for \$50 each,
were, as will be seen by reference thereto, to be
paid in work, and the other, for \$100⁰⁰, was to
be paid in good property at cash value, or the cash,
as is shown upon its face; that your oratrix imme-
-diately placed the said Ellert O Delusk in posses-
-sion of said land; that he has failed and refused
to pay to your oratrix any part of said purchase
money and still fails and refuses so to do, and
thus ^{fails} to comply with his said Contract of purchase.
All which actings and doings are contrary to equity
and good conscience. In tender consideration
whereof; and forasmuch as your orator and
oratrix are remediless in the premises, save by
the aid of a court of equity, where matters of this
kind are alone cognizable, your orator & oratrix
pray that the said Ellert O Delusk may be made
a party defendant to this bill, and required to
answer the same on oath; that the said Contract
entered into between your oratrix and the said
Ellert O. Delusk may be specifically performed
and carried into execution by the said Delusk-
your oratrix hereby offering to perform the same on
her part; and that the said Ellert O Delusk
may be compelled to pay your oratrix the amount
of purchase money of said land, in money, with
its proper interest, he having failed and refused

to pay the same in work and property as is provided in said notes he might do, and upon his failing to do so, that said land be sold for said purchase money, and for all further and general relief, May process issue directed &c.

Richmond & Orr, attys
for Complainants.

C 4. 17
8 50
C 6 75
15.00
\$ 20.42

¹⁹⁸²
John Fitzpatrick &
- wife
vs Bill in Chy.

Oliver O'Donoghue.

1887 Feb Bill filed 3pa
Executed & Decree nisi

11 March Decree nisi Conf'd
& Cause set for hearing

11 March Term
Decree final

(J.B. 15)

John Fitzpatrick & wife Plffs
vs
Albert O Delusk Def. } In chancery.

On the calling of this cause, it was announced
that the matters involved in this cause had
been settled between the parties. On motion
of ^{Plff} the cause is dismissed and stricken from the
docket.

John Fitzpatrick &
wife.
vs { Order
3 ~~Deceit~~ Final.

Elbert O Delush
Entered page 15

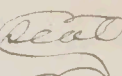
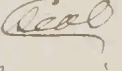
Enter this Order,

H. S. K. M.

Mar 30th 1887.

This deed made this 22nd day of January
1882 by & between John E. Debusch & Mary De-
busch his wife of the first & Maggie Fitz-
patrick the second part, all of the county
of Lee and State of Virginia, Witnesseth
that the said John E. Debusch & Mary
his wife bargained, sold & delivered to the
said Maggie Fitzpatrick a certain parcel or
tract of land lying in the said county of Lee,
& State of Virginia in the Crab Orchard on
the waters of Bunday's Creek being a part
of the tract purchased from Archie Witt-
containing 148 A. one hundred & forty
eight acres, more or less for \$300.00 three
hundred dollars to them in hand paid
the receipt whereof is hereby acknowledged
& bounded as follows Beginning on a
pine at the mouth of the spring branch,
on the east fork of Bunday's Creek, East-
wardly with said Creek as it meanders to
a pine corner to the Alfred Witt's land at
the mouth of a branch, east with said branch
to a pine corner to A. L. Witt's land, on the
Taylor line, thence N 51 W 96 P. to a white
oak corner of William Witt's land S 50 W 85.
P. to a chestnut on top of a ridge S 16 W 50
P. to a dogwood & two burrwoods N 76 W 44
P. to a double beech on the bank of a
branch S 20 W 60 P. to a Stake E 130 P. to a stake

in the road near the house including the road to the top of the hill, from the stake S 30 E 42 P. to the Beginning, To have & to hold the said tract or parcel of land with all its appurtenances thereto belonging and the said John E. Debush & Mary his wife will forever warrant and defend against the claim or claims of any and all persons whomsoever in testimony whereof witness the following signatures & seals day & date above written.

John E. Debush 
Mary ^{her} ~~E. D.~~ Debush 
_{mark}

State of Virginia and County of Lee to wit:
We J. J. Newman & William P. Page Justices of the peace do Certify that John E. Debush whose name is signed to the writing hereto annexed bearing date 22nd day of January 1882 has acknowledged before us Justices of the County aforesaid given under our hands this 3rd day of February 1882.

William P. Page J.P.

James J. Newman J.P.

State of Virginia in County of Lee to wit
We J. J. Newman & William P. Page Justices of the Peace do Certify that Mary Debush wife of John E. Debush whose names are signed to the writing hereto

annexed bearing date on the 22^d day
of January 1882 personally appeared before
us in the County aforesaid and being
examined by us privately & apart from
her husband having the writing afore-
said fully explained to her she the
said Mary Debush acknowledges the
said writing to be her act and declared
that she had willingly executed the
same & does not wish to retract it.
Given under our hands this 3rd day of
Feby 1882

William P. Page J.P.

James J. Newman J.P.

Virginia Lee County Court Clerk's Office the
9th day of Oct 1886. The foregoing deed
bearing date on the 22^d day of January
1882 between John E. Debush & Mary De-
bush his wife of the one part part and
Maggie Fitzpatrick of the other part,
all of Lee County Virginia was admitted
to record upon the Certificates of
J. J. Newman & W. P. Page two Justices
of the Peace in and for the County
of Lee State of Virginia

Test J. R. Gibson Clerk

Attest

Test J. R. Gibson Clerk

C 4.17
C 8 .50
C 6

Maggie Fitzpatrick
True Copy of Deed
J. E. Debusk wife
Deed Book No 22
P. 244

A

See for copy 75-

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon Ellert O. Delush

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in February 1887 next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against him, by John
Fitzpatrick & Maggie Fitzpatrick his wife

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 7th day of February 1887 in
the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

John Fitzpatrick &
- wife.
to 3 Spd in chg.
Albert O Delusk.

File Rules 1887.

Executed by deliver-
ing an office copy
to E O Delusk

Feb 4 1887
S H Cunniff SS